REMARKS

The Office has required restriction in the present application as follows:

Group I: Claims 1, 2, and 4-5, drawn to a method for increasing stress resistance to a plant which comprises introducing into a plant a glactinol synthetase gene encoding a protein of SEQ ID NO:1;

Group II: Claims 1 and 3-5, drawn to a method for increasing stress resistance to a plant which comprises introducing into a plant a glactinol synthetase gene encoding a protein of SEQ ID NO:2;

Group III: Claim 6, drawn to a method for increasing stress resistance to a plant which comprises increasing glactinol content in the plant body;

Group IV: Claim 7, drawn to a method for increasing stress resistance to a plant which comprises improving glactinol synthetic activity in the plant body;

Group V: Claim 8, drawn to a method for increasing stress resistance to a plant which comprises excessively expressing in the plant body a protein of SEQ ID NO:1; and

Group VI: Claim 9, drawn to a method for increasing stress resistance to a plant which comprises excessively expressing in the plant body a protein of SEQ ID NO:2.

Applicants have elected Group III, Claim 6, with traverse.

The Applicants submit that the claims of Groups I-II and IV-VI are directly dependent from the claims of Group III by virtue of the present amendment, and as such it is improper to separate these claims. Accordingly, the Restriction Requirement should be withdrawn.

Applicants respectfully traverse the Restriction Requirement on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctness between the identified groups.

Further, MPEP §803 states as follows:

> If the search and examination of an entire application can be made without serious burden, the Examine must examine it on its merits, even though it includes claims to distinct or independent inventions.

Applicants submit that a search of all claims would not constitute a serious burden on the Office, particularly in view of the fact that Groups I and V and Groups II and VI are classified in the same subclasses (class 800, subclass 829 and class 800, subclass 824, respectively).

Moreover, Groups I and II each contain a gene encoding for the glactinol synthetase gene. Accordingly, Groups I and II each describe gene sequences that encode different isoforms of the same protein, despite possessing divergent sequences, and as such these genes would necessarily be searched together and should not be separated. The same is true regarding the relationship of Groups V and VI, which are related to proteins possessing glactinol synthetase activity. Accordingly, there would not be a burden upon the Examiner to examine these groups together.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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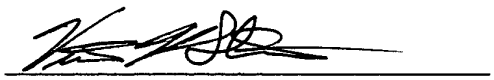

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IN THE CLAIMS

Please amend the claims as follows:

--1. (Amended) [A] The method for increasing stress resistance to a plant according to claim 6, which comprises introducing a glactinol synthetase gene into the plant body.--

7. (Amended) [A] The method for increasing stress resistance to a plant according to claim 6, which comprises improving galactinol synthetic activity in the plant body.

8. (Amended) [A] The method for increasing stress resistance to a plant according to claim 6, which comprises excessively expressing the following protein (e) or (f) in the plant body:

(e) a protein comprising an amino acid sequence represented by SEQ ID NO: 1,

(f) a protein comprising an amino acid sequence differing from the amino acid sequence of SEQ ID NO: 1 by deletion, substitution or addition of at least one or more amino acids, and having galactinol synthetic activity.

9. (Amended) [A] The method for increasing stress resistance to a plant according to claim 6, which comprises excessively expressing the following protein (g) or (h) in the plant body:

(g) a protein comprising an amino acid sequence represented by SEQ ID NO: 2,

(h) a protein comprising an amino acid sequence differing from the amino acid sequence of SEQ ID NO: 2 by deletion, substitution or addition of at least one or more amino acids, and having galactinol synthetic activity.--

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